

Amendments to the Claims

Claim 1 (Previously amended): Hybrid maize seed designated 39J26, representative seed of said hybrid 39J26 having been deposited under ATCC accession number PTA-4266.

Claim 2 (Original): A maize plant, or its parts, produced by the seed of claim 1.

Claim 3 (Original): Pollen of the plant of claim 2.

Claim 4 (Original): An ovule of the plant of claim 2.

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Claim 5 (Currently amended): A tissue culture of regenerable cells or protoplasts of a hybrid maize plant 39J26, representative seed of said hybrid maize plant 39J26 having been deposited under ATCC accession number PTA-4266.

Claim 6 (Previously amended): The tissue culture according to claim 5, the cells or protoplasts of said cells having been isolated from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

Claim 7 (Previously amended): A maize plant, or its parts, regenerated from the tissue culture of claim 5 and capable of expressing all the morphological and physiological characteristics of hybrid maize plant 39J26, representative seed having been deposited under ATCC accession number PTA-4266.

Claim 8 (Currently amended): The maize plant of claim 2 wherein said maize plant further comprises a genetic factor conferring male sterility.

Claims 9-19 (Cancelled)

Claim 20 (Original): A maize plant, or its parts, having all the morphological and physiological characteristics of the plant of claim 2.

Claims 21-32 (Cancelled)

Claim 33 (Currently amended): A method of making a hybrid maize plant designated 39J26 comprising:
crossing an inbred maize plant GE515243, deposited as PTA-4280 with a second
inbred maize plant GE515344, deposited as PTA-4342; and
developing from the cross a hybrid maize plant representative seed of which having been
deposited under ATCC Accession Number _____.

Claims 34-41 (Cancelled)

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Claim 42 (New): A method of developing a transgenic 39J26 maize plant, comprising
transforming at least one of the inbred parents of 39J26 with a transgene, wherein a
representative sample of said inbred parents have been deposited as PTA-4280 for GE515243 or
PTA-4342 for GE515344, and crossing said inbred parents to produce a transgenic 39J26 hybrid
maize plant.

Claim 43 (New): The maize plant of claim 42 wherein said transgene is a transgene selected
from the group consisting of: a plant disease resistance gene, an insect resistance gene, an
herbicide resistance gene, a male sterility gene, and a value added trait gene.

Claim 44 (New): The maize plant of claim 43 wherein said transgene is an insect resistance
gene encoding a *Bacillus thuringiensis* polypeptide, a derivative thereof or a synthetic
polypeptide modeled thereto.

Claim 45 (New): The maize plant of claim 43 wherein said transgene is an herbicide resistance transgene selected from the group consisting of: a transgene conferring glyphosate resistance, a transgene conferring glufosinate resistance, a transgene conferring imidazolinone resistance and a transgene conferring sulfonylurea resistance.

Claim 46 (New): A method of developing a backcross conversion 39J26 hybrid maize plant, comprising backcrossing a gene into at least one of the inbred parents of 39J26, wherein a representative sample of said inbred parents have been deposited as PTA-4280 for GE515243 or PTA-4342 for GE515344, and crossing said inbred parents to produce a transgenic 39J26 hybrid maize plant.

Claim 47 (New): A method of making an inbred maize plant comprising:
obtaining the plant produced by the method of claim 46; and
applying double haploid methods to obtain a plant that is homozygous at essentially every locus, said plant having received all of its alleles from maize hybrid plant 39J26.

Claim 48 (New): The maize plant of claim 46 wherein said gene is a transgene selected from the group consisting of: a plant disease resistance gene, an insect resistance gene, an herbicide resistance gene, a male sterility gene, and a value added trait gene.

Claim 49 (New): The maize plant of claim 48 wherein said transgene is an insect resistance gene encoding a *Bacillus thuringiensis* polypeptide, a derivative thereof or a synthetic polypeptide modeled thereto.

Claim 50 (New): The maize plant of claim 48 wherein said transgene is an herbicide resistance transgene selected from the group consisting of: a transgene conferring glyphosate resistance, a transgene conferring glufosinate resistance, a transgene conferring imidazolinone resistance and a transgene conferring sulfonylurea resistance.

Claim 51 (New): A maize plant, or parts thereof, having all the morphological and physiological characteristics of hybrid maize plant 39J26 representative seed of said hybrid maize plant having been deposited under ATCC Accession No. PTA-4266.

Claim 52 (New): A method for producing a 39J26 progeny maize plant, comprising:

- (a) crossing the maize plant or plant parts of claim 2, with a second maize plant to yield progeny maize seed; and
- (b) growing said progeny maize seed, under plant growth conditions, to yield said 39J26 progeny maize plant.

Claim 53 (New): A method of making a hybrid maize seed 39J26 comprising:

crossing an inbred maize plant GE515243 and GE515344, deposited as PTA-4280 and PTA-4342, respectively to produce hybrid maize seed 39J26.

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Claim 54 (New): A process for isolating an inbred parent of hybrid maize plant 39J26, representative seed of which have been deposited under ATCC Accession No. PTA-4266, comprising:

- (a) planting a collection of seed comprising seed of hybrid maize plant 39J26, said collection also comprising seed of said inbred parent;
- (b) growing plants from said collection of seed;
- (c) identifying an inbred parent plant; and
- (d) selecting said inbred parent plant.

Claim 55 (New): A method of making an inbred maize plant comprising:

obtaining the plant of claim 2, and
applying double haploid methods to obtain a plant that is homozygous at essentially every locus, said plant having received all of its alleles from maize hybrid plant 39J26.

Claim 56 (New): The method of claim 55 wherein said inbred line comprises at least about 75% genetic identity to a line selected from the group consisting of GE515243 and GE515344, deposited as PTA-4280 and PTA-4342, respectively.

Claim 57 (New): A method for producing a 39J26 progeny maize plant comprising:
(a) growing the plant of claim 2, and obtaining self or sib pollinated seed therefrom; and
(b) producing successive filial generations to obtain a 39J26 progeny maize plant.

Claim 58 (New): A maize plant produced by the method of claim 57, said maize plant having received all of its alleles from hybrid maize plant 39J26.

Claim 59 (New): A method for producing a population of 39J26 progeny inbred maize plants comprising:
(a) growing the plant of claim 2 and obtaining self or sib pollinated seed therefrom; and
(b) producing successive filial generations to obtain a population of 39J26 progeny inbred maize plants.

Claim 60 (New): A maize plant from the inbred population of maize plants produced by claim 59, said plant having received all of its alleles from hybrid maize plant 39J26.

Claim 61 (New): A method for developing a maize plant in a maize plant breeding program comprising:
obtaining the maize plant, or its parts, of claim 2; and
utilizing said plant or parts as a source of breeding material.

Claim 62 (New): An 39J26 progeny maize plant, or parts thereof, wherein at least one ancestor of said 39J26 progeny maize plant is the maize plant of claim 2, and wherein the pedigree of said 39J26 progeny maize plant has 2 or less breeding crosses to a plant other than 39J26.